IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4282 OF 2006

Sandeep Agarwal and another ...Applicants

vs.

Smita Agarwal and another ...Respondents

Mr.Niranjan Mundergi for the Applicants
Mr.D.P.Adsule, A.P.P. for State
Mr.Shriram Shirsat h/f Mr.B.N.Jagtap for the Respondent No.1

CORAM: A.S.OKA,J.
DATE : DECEMBER 7,2006.

P.C.:

1. Rule. Learned A.P.P. waives service for the second Respondent. The learned Advocate for the first Respondent waives service. Considering the facts and circumstances of the case, taken up for hearing forthwith.

2. The prayer in this Application under section 482 of the Code of Criminal Procedure, 1973 is for quashing the F.I.R. registered at the instance of the first Respondent at Oshiwara police station alleging commission of offence under section 498-A of the Indian Penal Code against the applicants. The first Applicant is the husband of the first Respondent and the second Applicant is the mother in law of the first Respondent. It is stated in the application that there was a matrimonial dispute between the first Applicant and the first Respondent and now there is an overall settlement which is reduced into

writing in the form of memorandum of understanding dated 24th August 2006 duly signed by the parties. A true copy of the said memorandum of understanding has been annexed to the Application. It is stated across the bar that now the first Applicant and the first Respondent have already filed an application before the Family Court for grant of divorce under section 13(B) the Hindu Marriage Act, 1955. The paragraphs 4 to 6 of the Affidavit of the first Respondent read thus :

"4. I state that during the hearing of the anticipatory bail application preferred by the Applicants before the Court of Sessions, we have arrived at amicable settlement and have executed Memorandum of Understanding on 24th August 2006. That as per the said Memorandum of Understanding, I have complied with the terms agreed upon and also the petition for seeking divorce by mutual consent is in the process of being filed by myself and the Applicant No.1.

5. I further state that I have agreed to give consent or to file necessary papers consenting the quashing of the C.R.No.410/2006 filed by me in paragraph No.6 of the said Memorandum of Understanding. I state that as per the said condition I hereby consent for allowing the prayer made by the Applicants for quashing of F.I.R. being C.R.No.410/2006 registered

with Oshiwara Police Station, Mumbai.

6. I state that the entire dispute between myself and the Applicants has been amicably resolved as per the terms agreed upon by me and the Applicant No.1 in the petition for divorce by mutual consent already filed in the family court at Bandra, Mumbai."

3. Considering the allegation made in the F.I.R., it is obvious that same is the outcome of the matrimonial dispute between the first Applicant and the first Respondent. Now, there appears to be a complete settlement between the parties. In view of the settlement, no purpose will be served by continuation of criminal proceedings. The continuation of criminal proceedings will cause a sheer harassment to both the parties. A case is made out for exercising power under section 482 of the Code of Criminal Procedure, 1973. Accordingly, Rule is made absolute in terms of prayer clause (a).

JUDGE